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Attorney for Defendant
HOANG AI LE

UNITED STATES DISTRICT COURT

IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA

United States of America,)	Case No.: Cr.S-99-433 WBS
)	
Plaintiff,)	APPLICATION FOR A WRIT OF
)	HABEAS CORPUS AD
vs.)	PROSEQUENDUM
)	
JOHN THAT LUONG)	Judge: Hon. William B. Shubb
)	
HOANG AI LE, et al)	
)	
Defendants)	
)	
)	
)	

Comes now the defendant, by his counsel Michael Long, and represents and shows:

1. On December 14, 2007, Hoang Ai Le was convicted by a jury of Counts 8 and 9 of the Indictment.
2. In ECF document 1288, filed on June 12, 2009, Hoang Ai Le was ordered to be sentenced by the Honorable William B. Shubb in case 99-433 at 8:30 a.m. on September 21, 2009.
3. Sometime after June 12, 2009, Mr. Le was removed from EDCA custody at the Sacramento County Jail and re-housed in NDCA custody at the Alameda County Jail

1 for the purpose of a United States v. Ameline re-sentencing Mr. Le in NDCA case 96-
2 94 MHP.

3 4. Mr. Le's NDCA re-sentencing was continued to October 1, 2009, as his appointed NDCA
4 attorney, George Boisseau, was in trial when Mr. Le had previously been scheduled for
5 his NDCA re-sentencing.

6 5. In order to secure the presence of the defendant Hoang Ai Le for the September 21, 2009,
7 EDCA sentencing scheduled for himself and his three co-defendants, it is necessary
8 that a Writ of Habeas Corpus ad Prosequendum be issued by this court commanding
9 the Warden, Sheriff or Jailor of Alameda County to produce the defendant in court on
10 said date, and at such other dates as may be necessary in order to procure defendant's
11 presence for other proceedings incident thereto.

12 6. Assistant United States Attorney William Wong has been informed by undersigned
13 counsel of this request and he objects to Hoang Ai Le's request for a writ. AUSA
14 Wong wants defendant Le to be re-sentenced in the NDCA before Mr. Le is sentenced
15 in the EDCA.

16 WHEREFORE, petitioner prays for an order directing the issuance of a Writ of Habeas
17 Corpus ad Prosequendum, out of and under the seal of this Court, directed to the Warden, Sheriff
18 or Jailor, commanding him to have and produce the above-named defendant in the United States
19 District Court at said time, and then and there to present the defendant before the Court, and
20 from day to day thereafter as may be necessary, and at the termination of the proceedings against
21 the defendant, to return defendant to the custody of the Warden, Sheriff or Jailor. A proposed
22 Writ of Habeas Corpus Ad Prosequendum has been separately lodged with the district court.

23 Dated: September 10, 2009

Respectfully submitted,

/s/ Michael D. Long

MICHAEL D. LONG


Attorney for Defendant

HOANG AI LE

ORDER

Upon reading the filing and foregoing application,
IT IS HEREBY ORDERED that a Writ of Habeas Corpus ad Prosequendum issue
as prayed for herein.

DATED: September 10, 2009



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE